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53. (AMENDED) A method of forming and cutting a sheet of dough, comprising:
providing a structure defining an outer cutting edge configured to cut through
the dough sheet and having a first shape and a convex blunt inner edge
having a second shape, different from the first shape;
and engaging the sheet of dough with the structure such that the convex blunt
inner edge engages a first surface of the sheet of dough and pulls the
first surface toward the second surface while forming the first surface
into a convex shape using the convex blunt inner edge and [pinches]
pinching the first and second surfaces to one another while the cutting
edge severs the sheet of dough.

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59. (AMENDED) A dough cutting apparatus for forming and cutting a dough sheet
having a first surface with a first skin and a second surface with a second skin, the apparatus
comprising: a cutter having a convex blunt dough engaging portion generally rounded with a
radius of curvature of at least approximately 1/8 inch and being configured to sever the
dough sheet while forming it into a convex shape using the convex blunt dough engaging
portion.

REMARKS

This Amendment is responsive to the Office Action of September 28, 2000.

By this amendment, all independent claims (1, 41, 52, 53 and 59) are amended, and all
pending claims (1-57 and 59) are presented for reconsideration and allowance.

In the Office Action, paper no. 8, the following rejections were made:

The 102 Rejections

Claims 41 and 48-52 were rejected as anticipated by FR2195892.

Claim 53 was rejected as anticipated by Makowecki, understood to be US5,687,638.

The 103 Rejections

Claims 1, 5-7, 11-23, 25 and 59 were rejected as unpatentable over FR2195892.

Claims 1-4 were rejected as unpatentable over D'Orlando, US4,808,104.

Claims 54-57 were rejected as unpatentable over Makowecki.

Claims 8, 26, and 42 were rejected as unpatentable over FR2195892 as applied above, in view of Makowecki.

Claims 9-10, 27-28, 44, and 46 were rejected as unpatentable over FR2195892 as applied above, in view of Simelunas, US4,534,726.

Claim 24 was rejected as unpatentable over FR2195892 as applied above, in view of EP841009.

Claims 29-37 were rejected as unpatentable over FR2195892 as applied above, in view of Funabashi, US4,608,918.

Claims 38 and 43 were rejected as unpatentable over FR2195892 and Makowecki as applied above, in view of EP841009.

Claims 39-40, 45 and 47 were rejected as unpatentable over FR2195892 and Simelunas as applied above, in view of EP831009.

Applicants agree with the Examiner that the references cited relate to methods and apparatus for cutting dough. However, applicants respectfully, but vigorously controvert the assertions in the Office Action that FR2195892 or Makowecki would inherently pull and stretch the dough surface. Nevertheless, applicants have amended each independent claim in this application to more particularly and distinctly point out applicants' invention wherein the cutter has a convex region which forms a convex shape or surface on the dough, as is illustrated in Figure 5 of the present application. **None of the references of record teach or suggest using a convex implement to form a convex product.** In FR2195892, Figures 5 and 6 illustrate that the dough is formed into stepped, plateaus or mesas which are further processed by a pair of conveyor belts 8c-8d (see Figure 6)-to-obtain round loaves "p1." In contrast to the present invention, the convex contours 7a and 7b on the cutting disks of FR2195892 are seen to form congruent concave surfaces in the dough (Figures 5 and 6).

Similarly, the apparatus of Makowecki results in a congruent surface in the dough, with a concave shape resulting from the peripheral sealing lips 41 (see Figure 5), characterized in the Office Action as “inner blunt portion.” Also in contrast to applicants’ claimed invention, D’Orlando does not teach or suggest a convex cutter to produce a convex product.

For these reasons, claim 1 is not anticipated by FR2195892, nor obvious in view of D’Orlando. For the above reasons, claims 41 and 52 are not anticipated by FR2195892. For the same reasons, claim 53 is not obvious in view of Makowecki. For the same reasons, claim 59 is not obvious in view of FR2195892. Since the independent claims are patentable, all claims depending therefrom are patentable for the same reasons.

In addition to the above, claim 1 has been further amended to recite that aspect of applicants’ invention wherein the dough sheet has a characteristic thickness between the first and second surfaces, and the convex dough forming region of the forming cutter has a depth greater than the dough sheet thickness. Neither FR2195892 nor D’Orlando, the two references cited against claim 1 have such a geometry. As may be seen most clearly in Figure 5 of FR2195892, the dough forming regions 7a and 7b of the cutting disks have individual and collective depths less than the dough sheet thickness. Claim 1 is thus further patentable for these reasons, as well.

With respect to claims 29-37, applicants respectfully controvert the statement in the Office Action that Funabashi is directed to cutting dough. Funabashi relates to sandwich formation using slices of bread which are understood to have already been baked. For this reason, and for the reasons stated with respect to claim 1, claims 29-37 are patentable.

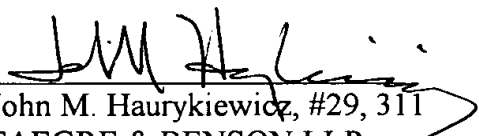
CONCLUSION

In light of the foregoing arguments and amendments, it is submitted that all outstanding grounds of rejection have been overcome and that the present case is now in condition for allowance. Reconsideration of this application and an Office Action indicating allowance of all presently pending claims is respectfully requested.

Respectfully Submitted,

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